

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

KELVIN D. MOORE,)
Plaintiff,)
v.) No. 1:05-CV-140-CDP
DAVID INMAN,)
Defendant.)

ORDER

This matter is before the Court upon reversal and remand from the United States Court of Appeals for the Eighth Circuit. See Moore v. Inman, No. 05-3984 (8th Cir. October 17, 2006).¹

Plaintiff's claim that David Inman, an officer with the Caruthersville Police Department, searched his vehicle in violation of the Fourth Amendment survives review under 28 U.S.C. § 1915(e)(2)(B) and should not be dismissed at this time. Therefore, the Court will order defendant to reply to the complaint.

In accordance with the foregoing,

IT IS HEREBY ORDERED that the Clerk shall issue process or cause process to be issued upon the complaint.

IT IS FURTHER ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), defendant shall reply to the complaint within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that, pursuant to the Court's

¹The mandate of the United States Court of Appeals for the Eighth Circuit issued on November 16, 2006 [Doc. #16].

differentiated case management system, this case is assigned to Track 5B (standard prisoner actions).

Dated this 28th day of November, 2006.

Catharine D. Lengyel
UNITED STATES DISTRICT JUDGE